

DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF THE OPEN SESSION APRIL 25, 2002

CALL TO ORDER

Ms. Julie Peak, Chair, called the meeting to order at 6:03 p.m. at the San Francisco Airport Marriott Hotel.

ROLL CALL

Board Members Present:

Julie Peak, Chair, CSR
Karen Gotelli, Vice Chair, Public Member
Alfred Knoll, Public Member

Board Members Absent:

Gary Cramer, CSR

Staff Present:

David E. Brown, Executive Officer
Connie Conkle, Executive Assistant
Gail Jones, Enforcement Coordinator
George Ritter, Staff Legal Counsel
Kim White, Exam & Licensing Coordinator

ANNOUNCEMENT OF NEW BOARD MEMBER

Ms. Julie Peak announced the recent appointment of Gary Cramer by Governor Davis to the Board.

MINUTES

The minutes of the February 8, 2002 open session were approved on a motion by Mr. Al Knoll. Ms. Karen Gotelli seconded the motion; **MOTION CARRIED.**

Ms. Peak asked Mr. Ritter to clarify in the minutes the item regarding the Bagley-Keene Open Meetings Act. The minutes define a state body as the majority of the Board present at meetings. Mr. Ritter stated the majority as well as the quorum for this Board is three members. With that understanding, anytime three members of the Board meet, they are potentially subject to the Bagley-Keene Open Meetings Act.

LEGISLATION

AB269: Mr. David Brown stated a letter of support was sent to Assembly Member Correa's office.

AB421: Ms. Peak stated this bill would allow independent contractors to videotape depositions of expert witnesses and sell the tape at a reasonable cost. Mr. Brown stated staff would monitor this bill.

SB805: Ms. Peak stated the intention of this bill would allow any non-stenographic recordings made by court reporters on their computers i.e. digital recordings, would be the property of the reporter. It also requires the recordings to be destroyed after one year and the recordings can not be used for any purpose other than to supplement the transcript. Ms. Peak stated the Board has taken a watch position on this bill.

SB1244: Ms. Peak stated the Board has taken no position on this bill.

SB2025: Ms. Peak stated this bill extends the study that the Board is currently conducting regarding the regulation of court reporting firms. This bill also extends the Sunset Review period until 2007. After a brief discussion, the Board requested staff to send a letter of support to Senator Figueroa.

Mr. Al Knoll asked Mr. Ritter if this Board has adopted a protocol regarding parliamentary procedure. Mr. Ritter stated the Board has not and is free to issue a resolution that meetings will be conducted pursuant to Robert's Rule or Order or whichever procedure the Board decides to adopt. Mr. Knoll then formally requested this topic to be placed on the next agenda to establish a method of parliamentary procedure.

AB2842: Ms. Peak stated this bill cleans up the language of the Code of Civil Procedure regarding video technology. This bill requires:

- subpoenas that are sent to attorneys must state that if the deposition is to be held over the internet, it must be noticed;
- a stipulation by the parties in order for the court reporter to go off the record;
- a deposition officer may elect to go off the record in order to protect the integrity of the record;
- allows a witness to be able to receive a copy of his or hers own deposition.

After a brief discussion, Ms. Karen Gotelli motioned for staff to send a letter of support to Assembly Member Harman. Mr. Knoll seconded the motion; **MOTION CARRIED.**

AB1371: Ms. Peak stated this bill provides technical clean up to the language of the Code of Civil Procedure for officials. Ms. Peak requested staff to monitor this bill.

AB223: Ms. Toni Pulone, CSR, stated this bill has been chaptered in the last legislative session and has made several changes to the Code of Civil Procedure, Section 2025. Before the bill passed both houses, language was amended into the bill to include all of the language that was contained in SB805. One of the issues the bill addresses is non-stenographic recordings are the property of the court reporter. It includes in the language the instruction of prohibition against the audio-sync files being reproduced for any purpose other than to aid the court reporter in the production of the transcript, which in turn, makes the copying and sale of audio files illegal. Ms. Peak stated her understanding was the bill

requires that non-stenographic recordings have to be deleted immediately upon production of the transcript.

REGULATIONS

Mr. David Brown stated all regulations are currently in various stages of review and approval.

- Qualifiers; Exam - The rulemaking package is currently in the legal office for approval. Mr. Ritter stated this package was filed with the Office of Administrative Law on April 10, 2002. They have 30 working days to review and approve.
- Minimum Transcript Format Standards - The preliminary documents are currently at the legal office for review.
- Court Reporting Schools - This package is currently under review at Agency for clarification of the information in the rulemaking file. Once completed at Agency, it will be forwarded to the Department of Finance for review.
- Deposition Summaries - The initial rulemaking documents are in the legal office for review.

EXECUTIVE OFFICER'S REPORT

Mr. Brown provided the Board with a chart he had developed for staff as well as board members, to keep track of motions and action items from previous board meetings.

- *AB269 Letter of Support to Correa* - Completed by staff.
- *Change Language in AB2808 Which Rolled into SB2025 to Extend the Duty Date of the Study of Court Reporting Businesses* - Completed by staff.
- *Propose Language without Oversight on AB2808* - Completed by staff.
- *Move Forward with Regulations 2411, 2413, 2412, 2418* - Regulations are currently in progress.
- *Successful Candidate List* - Mr. Brown stated that staff is currently posting new licensees information on the Board's website once the successful candidate pays the initial licensing fee. Completed by staff.
- *Copy of Occupational Analysis* - The Office of Examination Resources is currently preparing the final draft of the Analysis for review.
- *Annual License Renewal* - Mr. Brown stated it is currently in statute that the Board issue licenses annually. The statute would have to be changed in order to change the renewal process. Item postponed for next legislative session.
- *Mail brochures to Associations* - Completed by staff.
- *Association Calendars on Board's Webpage* - Mr. Brown stated the association calendars have been removed from the website but the links to the association's webpages will remain. Completed by staff.
- *Subcommittee Assignments* - Ms. Peak stated the Board is still taking applications for the Enforcement and Legislative Subcommittees. Ms. Peak stated Ms. Denise Doucette has been appointed chair to the Technical Advisory Subcommittee. Linda Harris and Robin Sunkees have also been appointed to the Technical Advisory Subcommittee. Mr. Brown stated the name of the Student Recruitment Committee has been changed to the Reporter Shortage Subcommittee.
- *Process for Evaluation of Executive Officer* - Currently being developed.

- *Copies of Board and DCA Strategic Plans* - Completed by staff.
- *Status of Deposition Summary Regulations* - Initial rulemaking documents are in the legal office for review.
- *Legal to Provide Opinion on Working in CA without CSR license* - Mr. Ritter stated the opinion will be available at the next meeting.

REPORT ON BOARD'S SUBCOMMITTEES

Ms. Peak stated that a subcommittee would be established to work in conjunction with the study bill AB2808.

REPORT ON CONFERENCE ATTENDANCE

Mr. Brown stated he has attended several conventions and conferences in order to familiarize himself with the profession. Mr. Brown expressed gratitude towards the members of the associations for their expertise and experience that they have shared with him over the last few months.

PUBLIC COMMUNICATIONS

Gordon Aiavao, CSR and President of the San Francisco Official Court Reporters Associations stated he had attended the conference hosted by the National Court Reporters Association for short and long term solutions for reporter shortage that may be coming up. Mr. Aiavao suggested the Board consider a provisional license to allow reporters to work for up to two years prior to passing the examination. Mr. Aiavao also recognized another idea from Mr. Tom Pringle that would allow a provisional license to be granted to out of state licensed court reporters when their state has an examination similar to the Court Reporters Board. This would give the out of state reporter an opportunity to "practice" for up to two years while they are passing the State Board exam. A third idea he had was to allow students, who have graduated from school and who hold a RPR, to be granted a provisional license to practice court reporting. Mr. Aiavao also mentioned a fourth idea for the Board to consider of giving the written exam separate from the practical exam and more often. He stated this would help reduce the stress of the students from the current two-day exam. Mr. Aiavao urged the Board to consider these ideas and asked for help from the associations to develop these "diamonds in the rough".

Ms. Peak stated that the Board is looking at computer based training to give the written exam more frequently. Ms. Peak also stated that the Board is now giving the exam three times a year; which is the first time in twenty years that this has occurred.

Ron Coleman, CCRA, stated the association would also like to see the Board look into a provisional license for court reporters.

REPORT ON BOARD'S SUBCOMMITTEES (Continued)

Ms. Gotelli stated one of the avenues the Board is examining is contacting high school students to share with them information about the field of court reporting. The Board is currently working with The Constitutional Rights Foundation to have court reporters

present at the mock trials that the Foundation sponsors throughout the state. Ms. Gotelli stated she has contacted the associations regarding this endeavor and has received commitments from them to have court reporters available to participate in the trials.

RECESS TO CLOSED SESSION

At 7:05 p.m., the Board recessed to closed session.

RECONVENED

The Board reconvened to open session at 7:13 p.m.

Ms. Peak stated in closed session the minutes of February 8, 2002 were approved. She stated the Board also approved the stipulated settlement regarding Jamie Andrade, case #2001-10.

FUTURE MEETING DATES

The Board agreed on the following meeting dates:

- Strategic Planning Session - May 10 (1 p.m. - 4 p.m.) and May 11, 2002 - Folsom
- Education Subcommittee Meeting - June 8, 2002 - Los Angeles-The Westin Airport Hotel
- Reporter Shortage Subcommittee Meeting - June 8, 2002 - Los Angeles-The Westin Airport Hotel
- Board Meeting - Thursday, August 1, 2002 - Los Angeles-The Westin Airport Hotel
- Exam - August 2 & 3, 2002 - Los Angeles-The Westin Airport Hotel
- Board Meeting - Thursday, November 14, 2002 - Los Angeles-The Westin Airport Hotel
- Exam - November 15 & 16, 2002 - Los Angeles-The Westin Airport Hotel

ADJOURN

Ms. Peak adjourned the meeting at 7:20 p.m.

JULIE PEAK, Chair DATE

DAVID E. BROWN, Executive Officer

DATE